

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

	)	
MONTANA HEALTH CO-OP,	)	
	)	
Plaintiff,	)	Case No. 20-561C
	)	
v.	)	Judge Elaine D. Kaplan
	)	
THE UNITED STATES,	)	
	)	
Defendant.	)	
	)	

**JOINT STATUS REPORT**

Pursuant to the Court’s November 5, 2021 order (ECF No. 23), the parties respectfully submit this Joint Status Report. The November 5, 2021 order continued the stay in these proceedings and directed the parties to file a joint status report proposing further proceedings by January 4, 2022.

This case is currently stayed because the Government is working with a number of CSR plaintiffs to determine whether they may efficiently resolve this matter without further litigation or at least streamline these cases. On November 5, 2021, the Court continued the stay and ordered the parties to file a joint status report on or before January 4, 2022. ECF No. 23.

The parties request that the Court continue the stay in this case for 60 days to provide more time for the broader discussions about possible approaches to resolving this and other CSR cases. As the parties reported previously, counsel for a large number of plaintiff health plans shared a proposal with the Government on December 3, 2021. The Government is reviewing the proposal and consulting with the client agency and its actuaries. The Government hopes to provide Plaintiff with a substantive response by late January. Plaintiff here has expressed a willingness to consider seriously the method, if any, that the Government is able to agree to with the other CSR plaintiffs for resolving or streamlining the CSR cases. The complexity of the CSR cases and the number of

interested stakeholders necessitate that the parties be afforded additional time for these efforts. In addition, the parties here are discussing with each other and may present to the Court, other options to partially or fully resolve the remaining claims. Good cause therefore exists to continue the stay.

Accordingly, the parties jointly request that the Court continue the stay in this case for 60 days, until March 4, 2022, to file the next joint status report in which the parties will update the Court on the status of their efforts to fully resolve this matter.

Dated: January 4, 2022

s/ Stephen McBrady  
Stephen McBrady  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW Washington, DC  
20004  
Telephone: (202) 624-2500  
Facsimile: (202) 628-5116  
SMcBrady@crowell.com

OF COUNSEL:

Daniel Wolff  
Charles Baek

CROWELL & MORING LLP  
1001 Pennsylvania Avenue, NW  
Washington, DC 20004

*Counsel for Plaintiff*

Respectfully submitted,

BRIAN M. BOYNTON  
Acting Assistant Attorney General

PATRICIA M. McCARTHY  
Director

s/Claudia Burke  
CLAUDIA BURKE  
Assistant Director

s/ Christopher J. Carney  
CHRISTOPHER J. CARNEY  
Senior Litigation Counsel  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, D.C. 20044  
Telephone: (202) 616-3755  
Email: Chris.Carney@usdoj.gov

OF COUNSEL:

ERIC E. LAUFGRABEN  
Senior Trial Counsel

ALBERT S. IAROSCI  
Trial Attorney

*Counsel for Defendant*